

SENATE BILL 737

J2, J1, J3

2lr2423
CF 2lr2173

By: **Senator Rosapepe**

Introduced and read first time: February 3, 2012

Assigned to: Finance and Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Nursing Home Administrator License – Revocation or Surrender – Ban on**
3 **Employment**

4 FOR the purpose of prohibiting certain nursing homes or nursing home management
5 firms from knowingly employing or retaining as a consultant an individual who
6 has surrendered a nursing home administrator license to the State Board of
7 Nursing Home Administrators or has had a nursing home administrator license
8 revoked by the Board based on certain grounds for discipline; prohibiting the
9 Department of Health and Mental Hygiene from reimbursing certain nursing
10 homes, related institutions, or management firms of certain nursing homes or
11 related institutions under the Maryland Medical Assistance Program if the
12 facility, related institution, or firm knowingly employs or retains as a consultant
13 a certain individual who has surrendered a certain license or has had a certain
14 license revoked under certain circumstances; defining a certain term; and
15 generally relating to prohibiting nursing homes, related institutions, and
16 management firms of nursing homes and related institutions from knowingly
17 employing an individual who has surrendered a nursing home administrator
18 license or has had a nursing home administrator license revoked.

19 BY adding to

20 Article – Health Occupations
21 Section 9–314.2
22 Annotated Code of Maryland
23 (2009 Replacement Volume and 2011 Supplement)

24 BY repealing and reenacting, without amendments,

25 Article – Health – General
26 Section 15–114(a) and (b)
27 Annotated Code of Maryland
28 (2009 Replacement Volume and 2011 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
 2 Article – Health – General
 3 Section 15–114(c)
 4 Annotated Code of Maryland
 5 (2009 Replacement Volume and 2011 Supplement)

6 BY adding to
 7 Article – Health – General
 8 Section 15–114(f)
 9 Annotated Code of Maryland
 10 (2009 Replacement Volume and 2011 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article – Health Occupations**

14 **9–314.2.**

15 (A) IN THIS SECTION, “NURSING HOME MANAGEMENT FIRM” MEANS AN
 16 ORGANIZATION THAT:

17 (1) IS INTENDED TO HAVE OR HAS FULL RESPONSIBILITY AND
 18 CONTROL FOR THE DAY–TO–DAY OPERATIONS OF A NURSING HOME; AND

19 (2) IS UNDER CONTRACT WITH:

20 (i) AN APPLICANT FOR A LICENSE FROM THE SECRETARY
 21 TO ESTABLISH, OPERATE, OR CONTINUE THE OPERATION OF AN EXISTING
 22 NURSING FACILITY; OR

23 (ii) A HOLDER OF A LICENSE FROM THE SECRETARY TO
 24 OPERATE A NURSING FACILITY.

25 (B) A NURSING HOME OR A NURSING HOME MANAGEMENT FIRM MAY
 26 NOT KNOWINGLY EMPLOY OR RETAIN AS A CONSULTANT AN INDIVIDUAL WHO
 27 HAS SURRENDERED A LICENSE UNDER § 9–313 OF THIS SUBTITLE OR HAS HAD A
 28 LICENSE REVOKED UNDER § 9–314(B)(8), (9), OR (10) OF THIS SUBTITLE.

29 **Article – Health – General**

30 15–114.

31 (a) In this section, “related institution” includes any of the following
 32 facilities, as classified from time to time by law, rule, or regulation:

- 1 (1) A comprehensive care facility;
- 2 (2) An extended care facility;
- 3 (3) An intermediate care facility; and
- 4 (4) A skilled nursing facility.

5 (b) This section applies only to the extent that federal funds are available for
6 reimbursement under this section.

7 (c) **[In] EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION,**
8 **AND IN** accordance with subsection (e) of this section, the Department shall reimburse
9 each hospital-based related institution that:

- 10 (1) Is a distinct part of an acute or chronic hospital; and
- 11 (2) On and after July 1, 1980, is licensed as a related institution.

12 **(F) (1) IN THIS SUBSECTION, “MANAGEMENT FIRM” MEANS AN**
13 **ORGANIZATION THAT:**

14 **(I) IS INTENDED TO HAVE OR HAS FULL RESPONSIBILITY**
15 **AND CONTROL FOR THE DAY-TO-DAY OPERATIONS OF A NURSING HOME OR**
16 **RELATED INSTITUTION; AND**

17 **(II) IS UNDER CONTRACT WITH:**

18 **1. AN APPLICANT FOR A LICENSE FROM THE**
19 **SECRETARY TO ESTABLISH, OPERATE, OR CONTINUE THE OPERATION OF AN**
20 **EXISTING NURSING HOME OR RELATED INSTITUTION; OR**

21 **2. A HOLDER OF A LICENSE FROM THE SECRETARY**
22 **TO OPERATE A NURSING HOME OR RELATED INSTITUTION.**

23 **(2) THE DEPARTMENT MAY NOT REIMBURSE A NURSING HOME**
24 **OR RELATED INSTITUTION IF THE NURSING HOME OR RELATED INSTITUTION OR**
25 **A MANAGEMENT FIRM OF A NURSING HOME OR RELATED INSTITUTION**
26 **KNOWINGLY EMPLOYS OR RETAINS AS A CONSULTANT AN INDIVIDUAL WHO HAS**
27 **SURRENDERED A NURSING HOME ADMINISTRATOR LICENSE UNDER § 9-313 OF**
28 **THE HEALTH OCCUPATIONS ARTICLE OR HAS HAD A NURSING HOME**
29 **ADMINISTRATOR LICENSE REVOKED UNDER § 9-314(B)(8), (9), OR (10) OF THE**
30 **HEALTH OCCUPATIONS ARTICLE.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2012.